

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-439

June 16, 1998

SOMERSET TELEPHONE COMPANY/TDS V
JENNIFER KELLEY
Appeal of Consumer Assistance Division
Decision, CAD # 5360

ORDER ON APPEAL

WELCH, Chairman; NUGENT, Commissioner

I. SUMMARY

In this Order, we uphold the Consumer Assistance Division's April 14, 1998 decision and dismiss Ms. Kelley's complaint without further investigation.

II. DECISION

On June 10, 1998, Jennifer Kelley submitted a copy of an appeal of a decision of Consumer Assistance Division issued on April 14, 1998.¹ We have reviewed CAD's decision and find that it adequately addresses the issues raised in Ms. Kelley's complaint. Ms. Kelley argues that she made two payments of \$75 and \$80 in early 1997 to TDS Telcom (TDS) that were never credited to her account. She repeatedly claimed to have canceled checks to support that claim, but she has never provided either TDS or CAD with that evidence, despite repeated requests by both.

We therefore affirm CAD's determination that Ms. Kelley owes TDS the disputed amount of \$155. Ms. Kelley must establish a payment arrangement on her outstanding balance of \$427.90 (which includes the \$155) by June 23, 1998. If such arrangement is not made, TDS is authorized to disconnect service on June 25, 1998.

Dated at Augusta, Maine this 16th day of June, 1998.

BY THE ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

¹Ms. Kelley claims that she mailed and faxed a copy of her appeal in April. The Commission has no record of ever receiving a fax or letter. Nonetheless, we will consider this appeal as though it were timely filed.

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.